

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday May 18, 2018
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Special Appeal Meeting of April 20, 2018, were considered for approval.

Commissioner Liotta presented the minutes of the April 20, Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the April 20, 2018 Meeting.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Floyd D. Dick v. Sedlacek Jonathan &/or Midwest Radiator LLC (unknown or not specified) and CompSource Mutual Ins Co. (FKA CompSource Oklahoma) File # CM2016-01492Q

Respondent Midwest Radiator LLC filed an appeal from the order issued by Administrative Law Judge Inhofe. John Colbert is the attorney of record for the Claimant and did not appear. Lew Berkowitz represented Respondent Midwest Radiator LLC. Dana Gish represented Respondent CompSource.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Ronnie Pressler v. Lowes Home Centers LLC (OWN RISK #18931) File #CM2016-06814H

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt represented the Claimant and Jordan Ensley represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take the case under advisement.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Larry James Deckard v. Danny's Muffler & Tire Inc. & Accident Fund General Insurance Co. File #CM2016-08155R

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Brian R. Berry represented the Claimant and Chad R. Whitten represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Melissa M. Madkins v. Chilis Inc. & Safety National Casualty Corp. File #CM2017-00228A

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Arthur H. Adams is the attorney of record for the Claimant and Jerrod Geiger is the attorney of record for Respondent.

Chairman Liotta announced on the record that the claimant's attorney left a voicemail requesting a continuance to mediate and attempt to resolve all issues.

THE CASE WAS CONTINUED

Maria Herrera v. Seaboard Foods LLC & American Zurich Insurance Co. File #CM2017-01470J

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Carole A. Wangrud represented the Claimant and Connie M. Wolfe represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Randy Dang v. Alliance Steel Inc. (OWN RISK #18746) File #CM2017-05363Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Raegan D. Sifferman represented the Claimant and John A. McCaleb represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

C. Commission Consideration of Adoption of Final Order in the Following Case:

- 1. Chad Scott Jackson v. BJS Restaurants Operations Co. and Arch Insurance Co. File # CM2016-03984F**

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Bob Burke represented the Claimant and Donald A. Bullard represented the Respondent.

This case came on for Oral Argument on March 16, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Russell moved to adopt the proposed order as written.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

2. James David Pratte v. Custom Seating Inc. & National Fire Insurance Co. of Hartford, File #CM2017-01112J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Michael Felton represented the Claimant and Angela Reinstein represented Respondent.

This case came on for Oral Argument on April 20, 2018. After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order.

Chairman Liotta announced this matter as moot because an order affirming the decision was issued on April 24, 2018.

NO ACTION TAKEN

D. Announcements

Commission's next regular business meeting is Thursday, June 14, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, June 15, 2018.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:23 p.m.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.